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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AMERICAN PROTECTION INSURANCE)
COMPANY,)

Plaintiff,)

v.)

OTAY WATER DISTRICT)

Defendant)

Case No. 08-cv-0662-JM-POR

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT OTAY
WATER DISTRICT TO ANSWER OR
OTHERWISE FILE RESPONSIVE
PLEADING TO AMERICAN
PROTECTION INSURANCE
COMPANY'S COMPLAINT**

Action Filed: 4/11/08
Judge: Hon Jeffrey T. Miller
Courtroom: 16

1 This Joint Motion to Extend the Time for Defendant Otay Water District ("Otay Water")
2 to Answer or Otherwise File Its Responsive Pleading to the Complaint Filed by Plaintiff
3 American Protection Insurance Company ("American Protection") is filed pursuant to the United
4 States District Court Southern District of California's Local Civil Rules 7.2 and 12.1. By this
5 Joint Motion, the parties Defendant Otay Water and Plaintiff American Protection, through their
6 counsel, stipulate and agree that:

7 1. Plaintiff American Protection filed its Complaint for Declaratory Judgment in this
8 action on April 11, 2008;

9 2. Plaintiff American Protection served its Complaint on Otay Water by mail with a
10 Notice of Lawsuit and Request for Waiver of Service of Summons;

11 3. Defendant Otay Water signed and returned the Waiver of Service of Summons on
12 April 22, 2008, by which the due date for filing its Answer or otherwise responding to the
13 Complaint within 60 days was Friday, June 20, 2008;

14 4. Since Otay Water had only recently retained litigation counsel to represent it in
15 this action, on June 19, 2008, the parties filed a Joint Motion to Extend the Time for Otay Water
16 to File its Responsive Pleading and on June 20, 2008, this Court signed an order granting an
17 extension to Otay Water until July 7, 2008.

18 5. Following the extension, the parties have engaged in negotiations regarding
19 another insurance coverage dispute which Plaintiff will not be able to further address until July
20 16, 2008.

21 6. If the parties are unable to resolve this dispute, Otay Water would need to
22 determine whether to include its claims arising from such dispute in a counterclaim filed with its
23 responsive pleading. Otay Water District's next Board meeting following the date of Plaintiff's
24 response is in August. Accordingly, in an effort to provide an opportunity to resolve the dispute
25 without enlarging the scope of the current action, the parties respectfully submit that good cause
26 exists to grant Otay Water an additional extension until August 13, 2008 to file and serve its
27 response to American Protection's Complaint.
28

1 7. Therefore, by this Joint Motion, the parties Defendant Otay Water and Plaintiff
2 American Protection, through their counsel, further stipulate, agree, and jointly move this Court
3 for an order granting Defendant Otay Water District an extension of time until August 13, 2008
4 to file its Answer, or to otherwise respond to Plaintiff's Complaint in this matter, on the grounds
5 that good cause exists for such extension of time to respond.

6
7 **PLEASE TAKE FURTHER NOTICE** that the content of this Joint Motion is
8 acceptable to all persons required to sign this document and it has been agreed by all parties
9 required to sign this document that his or her electronic signature can be affixed to this
10 document.

11 DATED: July 2, 2008

WALSH & FURCOLO, LLP

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13 By: s/ Regan Furcolo, Esq.
14 REGAN FURCOLO, ESQ.
15 Attorneys for Plaintiff American
Protection Insurance Company

16 DATED: July 2, 2008

BOLLINGER RUBERRY & GARVEY

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18
19 By: s/ Robert W. Brunner, Esq.
20 ROBERT W. BRUNNER, ESQ.
21 Attorneys for Plaintiff American
Protection Insurance Company

22 DATED: July 2, 2008

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